(5)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

W.P.NO. 1945 /2001.

PETITIONER. SMT. MANORAMA SAHU, AGE 28 YEARS, WIFE OF RATIRAM SAHU, RESIDENT OF DAYALPUR, TEHSIL NAWAGARH, DISTT. DURG, CHHATTISGARH.

VERSUS.

RESPONDENTS.

1. STATE OF CHHATTISGARH, THROUGH COLLECTOR, DURG (C.G.).
2. JANAPAD PANCHAYAT NAWAGARH THROUGH CHAIRMAN, TEH. NAWAGARH, DISTT. DURG (C.G.)
3. CHIEF EXECUTIVE OFFICER, JANAPAD PANCHAYAT NAWAGARH, DISTT. DURG (C.G.).
4. GRAM PANCHAYAT, MEDHAKI, THROUGH SARPANCH, TEHSIL NAWAGARH DISTT. DURG (C.G.).

P.R. No. 1702/01
Presented by Shri U.S. Chandrawahu
Dated 29.8.01

WRIT PETITION UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA FOR APPROPRIATION DIRECTION.

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1945 of 2001

Petitioner		Smt. Manorama Sahu
	Versus	
Respondents		State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Sharad Kashyap, Advocate for the petitioner.

Shri V. V. S. Murthy, Deputy Advocate General with Shri Ajay Dwivedi, Panel Lawyer for the respondent No. 1.

None for the respondents No. 2, 3 and 4.

ORDER

(Passed on this 21st day of February, 2007)

1. The petitioner was appointed as Anganbadi Worker vide order dated 26.10.1991. As from the month of May, 2000 no salary was paid to the petitioner, she served a notice (Annexure P/1) on the respondents. The Project Officer, Integrated Child Development Schemes, Nawagarh (Durg) vide reply dated 26.2.2001, informed the petitioner that her services was terminated by the respondent No.3 vide 16.5.2000 on the ground of dereliction of duties, pursuant to the resolution passed in the meting of the Samiti of the Janpad Panchayat.

2. Thereafter the petitioner filed Revision No. C/144/2000-2001 on 27.2.1001 before the Additional Collector, Bemetera. Vide order dated 7.6.2001 the Additional Collector dismissed the revision of the petitioner on the ground that the revision was preferred beyond the period of limitation i.e. 60 days.

3. Being aggrieved, the petitioner has preferred this petition on the ground that the Additional Collector, ought to have decided the revision on merits, but without expressing any opinion on merits the revisional authority has dismissed the revision on the ground of delay.

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4. Learned counsel appearing for the petitioner, on instructions, submits that the interest of justice would be sub-served if the matter is remitted to the Additional Collector, Bemetera for decision on merits.

5. Shri V. V. S. Murthy, learned Deputy Advocate General with Shri Ajay Dwivedi, learned Panel Lawyer, appearing for the respondents/State submits that the present case may be considered by the Additional Collector, afresh on merits but this should not be a precedent with regard to the order on limitation period, as prescribed for filing a revision under the Panchayat Raj Adhiniyam.

6. In view of the foregoing, having regard to the peculiar facts and circumstances of the case, without expressing any opinion on merits, the delay in preferring the revision by the petitioner is condoned. The order dated 7.6.2001 is set aside and the Additional Collector, Bemetera is directed to consider the revision of the petitioner, afresh, on merits and pass the order in accordance with law.

7. The petition is allowed to the above extent. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur